



## Feinstein, Long Beach, Los Angeles Officials Call on Congress to Pass Bills to Make America's Seaports Safer

*-- Leaders cite need to pass port security and high-risk funding legislation to close security gaps --*

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**Long Beach, Calif.** – U.S. Senator Dianne Feinstein (D-Calif.) today joined with Long Beach and Los Angeles officials to urge Congress to pass legislation to enhance security at the nation's seaports and ensure that homeland security funding is distributed to high-risk localities.

Long Beach Mayor Beverly O'Neill, Los Angeles Mayor Jim Hahn, Long Beach Police Chief Tony Batts, Los Angeles Police Chief William Bratton, and Los Angeles County Sheriff Lee Baca joined Senator Feinstein today at the Port of Long Beach to draw attention to the gaping holes in America's port security and the need to pass two pieces of Federal legislation that will improve security at the Los Angeles/Long Beach Port and other ports across the nation.

**"Ports are the soft underbelly of our homeland security,"** Senator Feinstein said. **"Millions of shipping containers come into American ports each year, and only 5 percent are ever inspected. A successful terrorist attack on a busy port such as Long Beach/Los Angeles could have a devastating impact on lives, on property and also on our economy. That is why Long Beach and Los Angeles officials are joining me to urge Congress to pass legislation that will strengthen our laws and provide funding where it is needed in order to beef up security at this port and others across the nation."**

The two pieces of legislation would strengthen criminal laws applying to ports and sea vessels and ensure that homeland security funding is allocated based on risk rather than on political and geographical factors.

The port security crime bill (S. 378) is cosponsored by Senators Arlen Specter (R-Penn.), Jon Kyl (R-Ariz.), Joe Biden (D-Del.), and George Allen (R-Va.) and would help to close critical gaps in the defense of our nation's seaports against terrorists and other criminals. The provisions of this legislation address:

- **Entering a seaport under false pretenses** -- Updates applicable law to make it a crime to enter under false pretenses onto seaport. Current law applies to airports, but not seaports. **This is punishable by a five-year prison term if there is intent to commit a felony.**
- **Failure to Obey** -- Creates a new specific crime of failure to obey Coast Guard orders while afloat (**punishable by five-year prison term**), such as an order to "heave to" including:

(1) Knowingly failing to slow or stop a ship once ordered to do so;

(2) Impeding boarding or other law enforcement action; or

(3) Providing false information to a federal law enforcement officer. Stopping and boarding ships is a critical early line of defense at our ports.

- **Weapons and Explosives** -- Specifically criminalizes the use of a dangerous weapon or explosive on a passenger vessel, such a cruise ship. This section updates existing law to recognize that the cruise ship industry is a potential target for terrorists, and clarifies existing law to ensure that such vessels are included. **The section carries a potential life term.**
- **Waterways** -- Adds to existing law to make a specific crime where a terrorist may attack by destroying a navigational device like a buoy, or dumping hazardous materials into the water, or placing a floating mine or other weapon in the water. This section also recognizes the vulnerability of the marine environment to an ecological attack. **The section carries a potential life term, or the death penalty in cases where death results.**
- **Transport of terrorists or terrorist materials** -- The bill also focuses on the potential for maritime commerce to be used to support a terrorist attack – as a method for transporting weapons (including biological, chemical, and radioactive materials), explosives, or terrorist operatives on board a ship. **This set of provisions carries a potential life term, or the death penalty if death results.**
- **Destruction of a Ship** -- Current law criminalizes conduct relating to the destruction of aircraft – this bill applies the same model to ships, applying the same penalties and framework. **The section carries a 20-year penalty (life if the vessel carries radioactive materials) or death if death results. It also penalizes maritime threats, or providing false information, carrying a potential five-year term.**
- **Low-level crime** -- Low-level crime, such as theft from interstate shipments, adversely affects the entire security posture of a port. **This bill addresses that concern, by increasing existing penalties for low-level thefts from one to three years, and clarifies the applicability of the existing law to ensure it applies to materials passing through our ports.**
- **Stowaways** -- The bill increases existing penalties for facilitating stowaways from one year to five years. In cases where the intent is to cause injury, or death, the penalty is higher – 20 years, and death if death results.
- **Failure to comply with manifest requirements** -- Increases fines from 10,000 to \$25,000 in the most serious cases.
- **Bribery affecting port security** -- Creates a new 15-year jail term.

Senator Feinstein is working with Senator John Cornyn (R-Texas) on the homeland security funding bill, and they plan to introduce it in the coming weeks. The provisions of this bill will:

- **Require the Secretary of the Department of Homeland Security to allocate grants based on risk.**
- **Require funding to meet “essential capabilities.” Essential capabilities is what we get for the money spent – the ability to meet the risk, by:**
  - **Reducing vulnerability to attack**
  - **Diminishing the consequences by effective response**
- **Require States to quickly pass on federal funds to where they are needed.** States should not hold federal funds back from where they are needed most. This bill will ensure that states quickly and effectively move the funds through.
- **Address the “small state minimum” issue.** Current practice requires each state to get .75% of much of the grant funding. That means 37.5% of the funds are marked for distribution before any risk analysis. This legislation will eliminate this large set-aside.

## **Background**

Each year, approximately 13 million shipping containers come into U.S. ports, including six million from overseas. Despite the high volume of cargo, only five percent of the containers that come into our country are inspected. This translates into millions of tons of cargo moving through our ports, with absolutely no scrutiny.

In total, U.S. ports handle over 800 million tons of cargo valued at approximately \$600 billion. Excluding trade with Mexico and Canada, America’s ports handle 95 percent of U.S. trade. Los Angeles/Long Beach is the nation’s busiest port, with 40 percent of the nation’s cargo moving through them.

There are 361 seaports in the United States that serve essential national interests by facilitating the flow of trade and the movement of cruise passengers, as well as supporting the effective and safe deployment of U.S. Armed Forces. These seaport facilities and other marine areas cover 3.5 million square miles of ocean area and 95,000 miles of coastline.

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